

AMENDMENTS TO THE CLAIMS

Claim 1 (Original): A modified promoter constructed by inserting a first DNA fragment including CCAATNNNNNN (a first base sequence: SEQ ID NO: 1) and a second DNA fragment including CGGNNNNNNNNNGG (a second base sequence: SEQ ID NO: 2) into a promoter capable of functioning in a filamentous fungus.

Claim 2 (Original): The modified promoter according to claim 1, wherein said first base sequence is CCAATTAGAAG (SEQ ID NO: 3).

Claim 3 (Original): The modified promoter according to claim 1, wherein said second base sequence is CGGHNWWWNWHGG (SEQ ID NO: 4).

Claim 4 (Withdrawn): The modified promoter according to claim 1, wherein said second base sequence is CGGWWWWWWWHGG (SEQ ID NO: 5).

Claim 5 (Withdrawn): The modified promoter according to claim 1, wherein said second base sequence is CGGAAATTTAAAGG (SEQ ID NO: 6), CGGAATTTAAACGG (SEQ ID NO: 7) or CGGAAATTTAACGG (SEQ ID NO: 8).

Claim 6 (Original): The modified promoter according to claim 1, wherein the first DNA fragment and the second DNA fragment are inserted so that they are arranged sequentially from the 5'-end side to the 3'-end side of said promoter.

Claim 7 (Currently amended): The modified promoter according to claim 6, wherein said first DNA fragment and said second DNA fragment are inserted at the 5'-end side that is upstream to a CCAAT sequence existing in said promoter or at the 3'-end side that is downstream to a SRE ~~region~~ sequence existing in the promoter region.

Claim 8 (Currently Amended): The modified promoter according to claim 6 ~~claim 1~~, wherein a plurality of said first DNA fragments and a plurality of said second DNA fragments are inserted.

Claim 9 (Original): The modified promoter according to claim 8, wherein the same number of said first DNA fragments and said second DNA fragments are inserted.

Claim 10 (Original): The modified promoter according to claim 9, wherein one first DNA fragment and one second DNA fragment are combined as a pair, and in each pair, said first DNA fragment and said second DNA fragment are inserted so that the first DNA fragment is located at the 5'-end side of said promoter.

Claim 11 (Currently amended): A modified promoter constructed by integrating one to several of either a DNA fragment having a base sequence of SEQ ID NO: 9, or a DNA fragment obtained by ~~partial modification of~~ substitution or deletion of a part of the base constituting the DNA fragment, or by addition or insertion of one to several bases and which has an enhancer function, into a promoter capable of functioning in a filamentous fungus.

Claim 12 (Original): The modified promoter according to claim 1, wherein said promoter capable of functioning in a filamentous fungus is a promoter of Taka-amylase of *Aspergillus oryzae*.

Claim 13 (Withdrawn): A DNA fragment having an enhancer function consisting of a base sequence of CGGAATTTAAACGG (SEQ ID NO: 7) or CGGAAATTTAAACGG (SEQ ID NO: 8).

Claim 14 (Withdrawn): A modified promoter capable of functioning in a filamentous fungus, comprising a DNA fragment according to claim 13.

Claim 15 (Original): A vector in which the modified promoter according to claim 1 is integrated.

Claim 16 (Original): A vector in which the modified promoter according to claim 1 is integrated and further a structural gene of a targeted protein is integrated under control of the modified promoter.

Claim 17 (Original): A transformed filamentous fungus comprising the vector according to claim 16 capable of expressing said structural gene.

Claim 18 (Original): A filamentous fungus comprising the modified promoter according to claim 1, and a structure gene encoding a targeted protein and being under control of the modified promoter.

Claim 19 (Original): A method for producing a protein, the method comprising:
culturing the filamentous fungus according to claim 18 under conditions capable of producing
protein; and collecting the produced protein.